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In re Application of FIJIKAWA et al
U.S. Application No.: 09/830,598
Int. Application No.: PCT/JP00/06038
Int. Filing Date: 06 September 2000
Priority Date: 09 September 1999
Attorney Docket No.: A-398
For: HALFTONE PHASE SHIFT PHOTOMASK
AND BLANKS FOR HALFTONE PHASE
SHIFT PHOTOMASK FOR PRODUCING IT

DECISION

This is in response to applicants' "Letter" filed 27 April 2001, requesting correction of the given name of the third inventor.

BACKGROUND

On 06 September 2000, applicants filed international application PCT/JP00/06038, which claimed priority of an earlier Japan application filed 09 September 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 22 March 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2001.

On 27 April 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1), an executed declaration, and the present request.

DISCUSSION

A review of the application file, including applicants' arguments in the present "Letter", reveals that the given name of the third inventor is listed in the international application as "Takashi" while the given name is listed in the declaration as "Takafumi". In that this is clearly more than a mere typographical error or a phonetic misspelling of the inventor's given name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$130.00 as well as statements from the

inventor and any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.

It is further noted that the family name of the first inventor is listed in the international application as "Fijikawa" while the family name is listed in the declaration as "Fujikawa". Applicants are required to provide an explanation for this discrepancy.

CONCLUSION

For the reasons above, the request to correct the name of the third inventor is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182" and must include the requisite petition fee and an acceptable explanation of the facts as discussed above. Failure to file a proper response in a timely manner will result in ABANDONMENT of the application.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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